

OFFICE OF THE ORANGE COUNTY DISTRICT ATTORNEY



2004 BUSINESS PLAN

**TONY RACKAUCKAS
DISTRICT ATTORNEY**

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I. EXECUTIVE SUMMARY

MISSION

The mission of the Office of the District Attorney is to enhance public safety and welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner.

Duty of the District Attorney

The District Attorney represents the People of the State of California in the justice system. Performing this duty requires initiating criminal prosecutions and representing the People in some civil cases.

Value to Community

Prosecuting criminal conduct is essential to maintaining public safety. The People of the State of California, in particular the residents of Orange County, rely on the Office of the District Attorney to bring those engaging in criminal activities to justice.

Mandated Responsibilities

District Attorney Prosecution Mandate

Government Code Section 26500 mandates that the District Attorney initiate and conduct, on behalf of the people, prosecutions for public offenses.

Local Government Funding Mandate

The protection of the public safety is the first responsibility of local government and local officials have an obligation to give priority to the provision of adequate public safety services. (California Constitution, Article 13, section 35(a))

Resource Requirements

To mitigate the need for General Fund dollars, each year the Office rolls over the anticipated balance of Fund 14B (prior year reserves) into the next fiscal year. Additionally, the Office has reduced expenditures significantly over the last several years. In fact, the FY2003/2004 budget was less than actual expenses in FY2002/2003. Sufficient funding is required to ensure that the People of the State of California are adequately represented in Court. Failure to adequately fund prosecution activities directly jeopardizes public safety.

Fiscal Year 2004/2005 Strategic Goals

- 1. PROTECT THE PUBLIC FROM CRIMINAL ACTIVITY**
- 2. CREATE A SENSE OF SECURITY IN THE COMMUNITY**

These two core goals are essential to fulfilling our mandate and mission. First and foremost, the public must be protected. Prosecuting those suspected of criminal activity is essential to ensuring justice is served, the community is protected, and residents feel safe.

Resources: Staffing

Independent Assessment Study

In 1999, the District Attorney requested that the CEO conduct an independent staffing assessment study to determine appropriate staffing levels to fulfill Office mandates. A total of five positions were added as a result of this study. Furthermore, the assessment analyzed workload requirements, conducted comparisons with other district attorney offices, and interviewed job experts. As a result of this process, the study recommended caseload levels for prosecutors and the corresponding caseload for investigators.

Actual Staffing Levels – Workload Increases

Since this study was completed, the Office, as a result of budget reductions and additional workload requirements, has staffed below these recommended levels. Moreover, each year, caseloads have steadily increased beyond the recommended levels.

Workload increases impact the entire Office. Between FY2001/02 and FY2002/03, misdemeanor and felony case filings have increased. The most complex of these, felony case filings, have increased 9% (over 1,000 cases) in this one-year period. The filing of a felony case results from the culmination of a team effort by the prosecutor, investigator, and support staff.

An additional strain upon Office resources results from the investigations of officer involved shootings and custodial death investigations. These types of investigations increased 100%, going from 17 cases to 34 cases, in the last four years without any increase in staffing. These investigations are extremely complex. Before DA investigators present findings to a prosecutor for review, DA investigative staff spend approximately 200 hours investigating each of these cases.

Additionally, the administrative support staff is also impacted by the time and work required learning and implementing a new case management system.

Organization

The Office is organized into prosecution teams, or units, which are comprised of staff from each of the three major divisions:

- Legal
- Bureau of Investigation
- Administrative Services

Additionally, the Government and Community Relations Unit and Media Relations Unit provide support services for the entire Office.

Our ability to work together, both within and between teams, as well as partner with other members of the law enforcement community are essential to attaining our strategic goals and ensuring public safety.

Each staff member plays a critical role in performing the tasks required to bring criminals to justice. We are committed to continuously improving our services. Our success affords Orange County residents and visitors the utmost in safety and security.

Labor Management Committee

The Labor Management Committee (LMC) continues to play a vital role by facilitating communication throughout the Office, focusing on efficiency projects, and addressing workplace issues. This work is anticipated to continue in 2004. In 2003, the LMC coordinated the collection of cost saving and revenue generation ideas. The implementation of these ideas resulted in savings and improved efficiency of Office operations. Among other contributions, the LMC created newsletters, coordinated two Employee Recognition Award programs, oversaw the Office's Workplace Issues Committee, and assisted with the Office's 2003 United Way Fundraisers.

Resources: Funding

In spite of increased case filings and rising staffing costs, the Office reduced the FY 2003-04 Budget from the FY2002-03 actual expense level. In FY2002-03 actual expenses were \$76,946,953 while the Office began FY2003-04 with a budget totaling \$76,305,464.

Fiscal Year 2002/03 Efficiency Study

During the FY 2002/03 Budget Hearings, the Board of Supervisors requested an Efficiency/Effectiveness Study of the Office be directed by the County's Criminal Justice Coordinating Council. The findings of this study reaffirmed the Office's staffing levels and identified the need for the County to allocate sufficient resources to continue to effectively prosecute crime in the County.

Comparisons to Other Counties

A key measure of efficiency is comparing the Office with other district attorney offices in California, specifically those with populations between 1 million and 3 million. The California District Attorneys Association compiles an annual survey detailing budget and salary data from district attorney offices around the state.

One key efficiency comparison is the number of cases filed per budgeted attorney position. The number of "Line attorneys" (those primarily engaged in prosecution) and the number of "Annual Filings" are used in this comparison. Our Office manages one of the highest caseloads per attorney, second only to Alameda. With regard to attorney workload, it is noteworthy that Alameda's prosecution staff includes additional

“management attorneys” which number in excess of 35% of the number of “line attorneys” (those primarily engaged in prosecution), while our Office’s “management attorneys” (those primarily engaged in management and supervision) number only 10% of total “line attorneys.”

The size of the operating budget as a ratio to population is another efficiency measure. On a per capita basis, our Office budget is smaller than all other similar sized counties with the exception of San Bernardino.

Finally, our Office is the most reliant of all comparison counties on Proposition 172 sales tax revenue. Relying on sales tax revenues results in even more challenges since these revenues are budgeted based on forecasts and subject to fluctuation. In fact, the Office successfully managed, through budget reductions and use of prior year reserves, Proposition 172 sales tax shortfalls totaling \$8.7 million over the last two fiscal years.

When all of these comparison factors are combined, it is clear that our Office is extremely efficient.

A side-by-side comparison with the county most similar to Orange County, San Diego County, yields perhaps the most telling measures of efficiency, especially when comparing key measures of efficiency such as budget and workload. Orange County’s efficiency is clearly demonstrated in Table 1.

Table 1: Budget & Staffing Summary

County	Total Budget (M)	NCC (M)	% Funded by Prop 172	Line Attorneys	Total Filings	Budget/ Population	Filings/ Attorney
Orange	\$77.8	\$16.9	60%	228	68,044	\$26.47	298
San Diego	\$91.0	\$32.5	44%	307	44,444	\$32.38	145

Source: 2003 California District Attorneys Association Salary Survey

Challenges

Several challenges face the Office in pursuit of its goals and mission.

Staffing: The Office has 637 budgeted positions. As part of the FY2003/04 budget process, the Office imposed a freeze on 5.2% or 12 prosecutor positions and 14% or 14 investigator positions. The balance between budget management and adequate prosecution is a delicate one. The Office is approaching a breaking point where the cumulative impact of reduced staffing levels may begin to impact the ability to adequately prosecute and investigate crimes.

If cases are not adequately prosecuted and investigated, police agency arrests may become meaningless and criminals will not be brought to justice. The District Attorney

is mandated to prosecute crime. If our ability to effectively prosecute crimes is compromised, either by having an unmanageably high number of cases or influx of more complex cases, we will be forced to unfreeze positions and, if required, request additional funding from the Board of Supervisors.

Funding: Resource availability is again anticipated to be the Office's biggest challenge in 2004 and beyond. As stated in the 2000, 2001, 2002, and 2003 Business Plans, sales tax revenue is not a reliable source of revenue. Relying on consumer spending to fund criminal prosecution is becoming more tenuous each year. Sales tax revenue growth has not kept pace with the increased rate of expenses, especially salaries and employment benefits. Salary and benefit expenses account for approximately 90% of the Office's budget.

Use of prior year reserves coupled with drastic operational reductions enabled the Office to address significant sales tax revenue shortfalls in both FY2001/02 and FY2002/03.

▪ **Proposition 172**

In November 1993 the voters approved Proposition 172. This initiative earmarked a ½ cent of sales tax to augment public safety. This revenue was intended to serve as a supplemental source of revenue to fund law enforcement activities. The Board of Supervisors allocated 20% of this revenue to the Office of the District Attorney and 80% to the Sheriff's Department. Initially, the revenue derived from Proposition 172 was sufficient to fund operations. The consistently high rate of economic growth of the 1990's yielded sufficient tax revenue to support the Office. However, the economic downturn beginning in 2001 resulted in an 11% sales tax revenue shortfall in FY2001/02. This gap translated to a \$5.4 million revenue deficit and an additional \$3.3 million in FY2002/03. In spite of these staggering revenue deficits, the Office, through budget management (deferring hiring, eliminating non-essential expenses) and drawing from prior year savings ended both years with a balanced budget.

The inherent problem with Proposition 172 funding is that it is subject to external market factors. The \$8.7 million in shortfall over the last two fiscal years was covered through austerity and use of prior year reserves.

Consequences of not adequately funding prosecution

Failure to fund the Office would impact our ability to adequately prosecute crime. The prosecution of non-violent as well as violent crime would be impacted. The extent of any reductions would depend upon the amount of the funding shortfall. Clearly, failure to provide adequate funding will result in the People not being adequately represented and in turn:

- Jeopardize public safety
- Reduce the number of cases filed for prosecution
- Reduce the conviction rate

II. MISSION & GOAL

Duty of the District Attorney

The District Attorney represents the People of the State of California in the justice system. Performing this duty requires initiating criminal prosecutions and representing the People in some civil cases.

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■ MISSION

The People of the State of California, in particular the residents of Orange County, rely on the Office of the District Attorney to bring criminals to justice.

The mission of the Office of the District Attorney is to enhance public safety and welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner.

The core activities in support of the Office's mission include:

- Prosecuting felony and misdemeanor crimes.
- Investigating criminal activity through partnerships with various law enforcement agencies throughout the County.
- Processing juvenile petitions for wardship.
- Educating the public and fostering trust in the criminal justice system. Address cultural barriers and encourage cooperation with prosecutors, police, and the courts.

■ **FISCAL YEAR 2004/2005 STRATEGIC GOALS**

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■ **KEY OUTCOME MEASURES**

GOAL #1 PROTECT THE PUBLIC FROM CRIMINAL ACTIVITY

■ **KEY OUTCOME MEASURE: CONVICTION RATE**

What is the Measurement?

The conviction rate measures the percentage of filed felony and misdemeanor cases resulting in conviction.

Why Measurement is Important:

This measure directly reflects on the Office's ability to effectively represent the People of the State of California. Furthermore, this measure is of paramount importance to the community since convicting criminals brings justice to the victim and the community at large. Finally, convictions remove dangerous criminals from the community.

How are we doing?

The Office has maintained an excellent conviction rate. The conviction rate for FY2001-02 was 90.7%. The conviction rate for Fiscal Year 2002-03 was 91.5%.

GOAL #2 CREATE A SENSE OF SECURITY IN THE COMMUNITY

- **KEY OUTCOME MEASURE: PUBLIC SURVEY ON FEELINGS OF SAFETY AND SECURITY.**

What is the Measurement?

The Office randomly surveys Orange County residents and requests responses to specific questions related to the public's feelings of safety and security. Over 400 residents returned surveys in December 2003.

Why Measurement is Important:

Creating a sense of security in the community is central to the Office's mission. A random survey of Orange County residents is a cost effective method of acquiring statistically valid measurement of public opinion.

How are we doing?

Overall, residents feel safe. On a 10-point scale with "1" representing a feeling of "extremely unsafe" and "10" representing a feeling of "complete safety" the most common response was 9 and the mean was 7.93. These numbers are similar to numbers reported in 2000 and 2001.

III. OPERATIONAL PLAN FOR STRATEGIC GOAL

The Office has developed a number of strategies to achieve the 2004 strategic goals.

■ **CLIENTS**

The Office of the District Attorney represents the People of the State of California. Therefore, the broadest group of clients of the Office of the District Attorney are the approximately three million residents of the County. Having the residents feel an adequate level of safety and security is a key component of the mission of the Office. All residents are impacted by the crimes that occur within and outside the boundaries of Orange County.

- **Demographics:** Change in the overall population is important as an indicator of the number of potential offenders and victims.

Based upon California State University Fullerton's Center for Demographic Research, the County's population will continue to grow at a steady rate:

Date	January 2003	2010 Projection	% Increase
Population	2,978,816	3,165,434	6.2%

Another noteworthy demographic characteristic involves ethnic and cultural groups. Many of these residents were raised in cultures with far different relationships between individuals and the criminal justice system. The need for outreach and education activities remains critical to the recent immigrant communities. The increases in Hispanic and Asian populations (particularly Vietnamese) indicate the need for bilingual services and multicultural educational services will continue to increase.

- **Law & Justice System Partners:** The ability to work with and communicate with Law & Justice partners, including the Court, police agencies, the Probation Department, the Public Defender, as well as county, state and federal agencies which refer cases for prosecution are critical to the success of the Office. A key initiative impacting this partnership is the Integrated Law and Justice System for Orange County (ILAJOC).

This project represents an unprecedented level of collaboration between all members of the Orange County Law and Justice Community.

As of January 2004, the vast majority of police agencies in the County are receiving automated electronic subpoenas from the District Attorney's Case Management System. In 2004 the Office will implement an automated

subpoena system for civilian witnesses. The next major phase to implement is the automating of over 500,000 transactions (case filings, hearings, trial dates, courtroom changes, etc.) that occur annually between the Office of the District Attorney and the Superior Court. After this, the next milestone will be the automation of case filings by police agencies. With each step along the way, the efficiency and effectiveness of the justice system is improved.

Clearly the success of integrating systems relies on a team of dedicated law enforcement managers and their IT professionals. A continuation of collaboration is required to successfully implement the vision of an Integrated Law and Justice System.

- **2004 County Strategic Priorities:** The County's strategic priorities, directly impact the County's residents, four of the 2004 County Strategic Priorities directly involve our Office. These priorities require funding, they include:

Identity Theft: According to the Federal Trade Commission (FTC) almost 10 million Americans, approximately 5% of the adult population, were victimized by identity theft in 2002. The FTC estimated the annual cost of identity theft at \$50 billion annually. The expanded use of credit cards, particularly when combined with computerized purchasing, offer dramatically increased opportunities for identity theft. Unknown amounts of resources will need to be devoted to combat this new, expanding crime area. Additional resources including staffing, specialized training, and equipment are required to adequately combat Identify Theft.

Soil and Groundwater Contamination: This strategic priority is nothing less than the protection of groundwater resources, including drinking water supplies, within the County from contamination caused by leaking gasoline storage tanks. Civil enforcement actions have been filed by the District Attorney against several major oil companies alleging wholesale non-compliance with laws and regulations. The lawsuit against ARCO, British Petroleum and Thrifty Oil Co. involved approximately 140 gasoline station sites in Orange County, and has been successfully resolved. The remaining lawsuit against SHELL/TEXACO involves approximately 170 existing and former gasoline station sites in Orange County. Several smaller cases involving other sites are also currently being prosecuted by the District Attorney. Sites with significant contamination have been located in virtually every city and the unincorporated areas of the county, including sites in Brea, Yorba Linda, Buena Park, Santa Ana, Garden Grove, Huntington Beach, Westminster, Irvine, and Fullerton.

Proposition 36 Under Funding: On July 1, 2001, the County implemented Penal Code 1210 requirements, also known as Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA). Under PC

1210/SACPA, eligible criminal defendants with non-violent drug possession cases are required to be placed on formal probation and to be referred to an out of custody drug treatment program in lieu of incarceration. It has been recognized statewide that the funding available is insufficient to provide needed services to the high numbers of people eligible for this program. For FY 2003-04, due to an anticipated shortfall of SACPA funding to provide the services at the current level, the Board approved additional funding of \$345,799 to supplement the SACPA fund allocated to the Office to fund five attorney positions enabling the Office to continue its participation in the program. The Office absorbs additional costs for support staff associated with the program. Any reduction in funding will require the Office to re-evaluate its ability to participate.

High Tech Crime: The creation of a District Attorney High Tech Crime Unit. Computer-focused crimes increase as more people become computer literate. These can be crimes that stem from the criminal use of computers, crimes that focus on other people's computers or criminal evidence that is contained within computers.

■ CHALLENGES

Staffing: The Office has 637 budgeted positions. As part of the FY2003/04 budget process, the Office imposed a freeze on 5.2% or 12 prosecutor positions and 14% or 14 investigator positions. The balance between budget management and adequate prosecution is a delicate one. The Office is approaching a breaking point where the cumulative impact of reduced staffing levels may begin to impact the ability to adequately prosecute and investigate crimes.

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Strategy to address Staffing Challenge: In December 2002, the Office implemented a temporary realignment of the Felony Charging Unit with the Misdemeanor Branch Courts. The Bureau of Investigations and Administrative Support Divisions implemented realignments in 2003 to maximize efficiency. The Office will continue to monitor staffing levels in Units and realign as possible.

We will continue to restructure our organization and workflow to achieve efficiencies. If our ability to effectively prosecute crimes is compromised, either by having an unmanageably high number of cases or influx of more

complex cases, we will be forced unfreeze positions and, if required, request additional funding from the Board of Supervisors.

Funding: Resource availability is again anticipated to be the Office's biggest challenge in 2004 and beyond. The Office has sustained multiple years of budget reductions and requires significant general fund dollars to perform core activities. The staffing levels recommended in the 1999 CEO Staffing Assessment Study have never been fully implemented. Moreover, the Office has implemented several budget cutting strategies for the last five years. These cuts include deferring hiring and freezing of positions and cutting non-essential expenditures. In 2002, the Office took the lead in the County and suspended the Educational and Professional Reimbursement Program.

As stated in the 2000, 2001, 2002, and 2003 Business Plans, sales tax revenue is not a reliable source of revenue. Relying on consumer spending to fund criminal prosecution is becoming more tenuous each year. Sales tax revenue growth has not kept pace with the increased rate of expenses, especially salaries and employment benefits. Salary and benefit expenses account for approximately 90% of the Office's budget.

Use of prior year reserves coupled with drastic operational reductions enabled the Office to address significant sales tax revenue shortfalls in both FY2001/02 and FY2002/03.

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The inherent problem with Proposition 172 funding is that it is subject to external market factors. The \$8.7 million in shortfall over the last two fiscal years was covered through austerity and use of prior year reserves.

▪ **Concerns with a Two-Year Budget Model**

The Office is concerned with the County implementation of a two-year budget. Sales tax revenue is the primary source of revenue to the Office. This revenue source is extremely challenging to forecast as it is subject to a variety of

variables unrelated to the business of prosecuting crime. Moreover, the twelve-month sales tax forecasts for the last two fiscal years turned out to be overstated. As mentioned earlier this overstatement resulted in the Office absorbing an \$8.7 million revenue shortfall. A twenty-four month forecast presents the potential of a much larger margin of error.

Strategy to address Funding Challenge: The March 2003 Efficiency Review Study directed by the Criminal Justice Coordinating Council provided some alternatives to consider in future budget cycles. This study determined that:

The significant increase in NCC is largely the result of the convergence of two key factors: a reduction in sales tax revenue and State funding sources, and a sharp increase in salary and employee benefit (S&EB) expenditures.

The 2003 Efficiency Study also contemplated implementing cost cutting strategies yet found that:

This approach is problematic since the Office is legally required to prosecute criminal offenses and a reduction in mandated program services may result in a failure to prosecute certain types of criminal activities.

Even after this report, the Office implemented additional cost cutting strategies, which have impacted prosecution.

The Office has made significant cuts and budget reductions. The Office was one of the few agencies to have a FY2003/2004 budget less than the FY2002/2003 actual expenses.

Our Office will continue to hold the line on expenditures; however, support for the Board of Supervisors will be required to meet prosecution mandates.

Consequences of not adequately funding prosecution

Failure to fund the Office would impact our ability to adequately prosecute crime. The prosecution of non-violent as well as violent crime would be impacted.

The extent of any reductions would depend upon the amount of the funding shortfall. Clearly, failure to provide adequate funding will result in the People not being adequately represented and in turn:

- Jeopardize public safety
- Reduce the number of cases filed for prosecution
- Reduce the conviction rate

■ RESOURCES

STAFFING

The Office has 637 budgeted positions and is organized into prosecution teams, or units, which are comprised of staff from each of the three major divisions (Legal, Bureau of Investigation, and Administrative Services.)

Staff from each of these three divisions are assigned to the Office's 17 functional units. Prosecution operations are divided into the following three areas:

Felony Operations 1: Prosecutes the majority of violent felony crimes. Units in this area:

- The **Homicide** Unit prosecutes non-gang related homicides, including those with special circumstances.
- The **Sexual Assault** Unit prosecutes rapists, sexually violent predators, child molesters and other violent sexual assaults.
- The **Family Protection** Unit prosecutes violent assaults, attempted murders, felony domestic violence, child abuse, child abduction, stalking and elder abuse.
- The **Gang** Unit prosecutes crimes committed by gang members, including murders and attempted murders
- The **TARGET** Unit is comprised of anti-gang teams which include a police officer, a probation officer, and a prosecutor. These teams are housed in police departments throughout the county. TARGET prosecution is focused on the eradication of gang crime and violence by targeting the gang's "serious offenders."
- The **Felony Panel** Unit prosecutes a variety of felony crimes not handled by specialized felony units.

Felony Operations 2: Prosecutes primarily non-violent felony and other complex crimes. Units in this area:

- The **Felony Projects/Special Assignment** Unit prosecutes a variety of specialized felonies (arson, hate crimes, political corruption, and cases dealing with Mentally Disordered Offenders). Additionally, this Unit investigates Officer Involved Shootings.

- The **Felony Projects 2** Unit is comprised of three specialized prosecution areas:
 - The **Narcotic Enforcement Team (NET)** Unit prosecutes major narcotic traffickers and illegal drug manufacturers. Additionally, the NET Unit conducts distribution of forfeitures proceedings from illegal drug trade.
 - The **Career Criminal** Unit prosecutes dangerous repeat offenders. Many of these cases involve potential life sentences.
 - The **Welfare Fraud** Unit prevents, detects and prosecutes crimes related to fraudulent receipt of public assistance. This unit is funded by the Social Services Agency.
- The **Economic Crimes** Unit prosecutes workers' compensation fraud, auto theft, auto insurance fraud, high tech crime, identity theft, high-dollar fraud crimes.
- The **Consumer and Environmental** Unit prosecutes complex cases involving environmental crimes and also companies and individuals that engage in fraudulent or unlawful business practices affecting large groups of people.
- The **Law and Motion** Unit conducts over 700 Felony Pretrial Motions, Writs and Appeals annually. The Unit also provides prosecutors legal research assistance and training.

Branch Court Operations: Prosecutes adult misdemeanor crimes in each of the five Justice Centers and felony and misdemeanor petitions in the Juvenile Unit. In addition to misdemeanor prosecution, each of the five Justice Centers includes a Felony Charging Unit. The Felony Charging prosecutors review potential felony cases presented by police agencies to the justice centers for filing consideration.

Bureau of Investigations: In addition to supporting the prosecution operations detailed above, the Bureau operates two investigative units:

- The **Anti-Terrorism/Organized Crime** Unit is the only countywide intelligence unit operating in the surveillance of organized crime. Investigations conducted by this unit have resulted in prosecution of serious crimes, including murder.
- The **TracKRS** (Taskforce review aimed at catching Killers, Rapists and Sexual Offenders) unit provides a variety of resources to assist peace officers in the investigation of homicides and sexual assaults.

Additionally, the Bureau of Investigations provides contract criminal investigation services on a cost reimbursement basis to three County agencies:

- **Social Services Agency:** Investigative staff prevent, detect, and investigate various forms of Welfare Fraud. Additionally, legal staff conduct welfare fraud prosecutions.
- **Department of Child Support Services:** Investigative staff locate and serve subpoenas to non-custodial parents who do not comply with support orders.
- **Housing and Community Development:** Investigative staff identify and investigate individuals suspected of Section 8 Housing Fraud.

The **Warrant Bureau** investigates and apprehends those with outstanding arrest warrants related to welfare fraud and child support cases.

Each agency reimburses the Office the cost of investigative support to staff these operations.

Administrative Services: In addition to providing office services support to the prosecution and investigative units mentioned above, the Administrative Services Division provides a myriad of support services including: Accounting, Budgeting, Facilities, Human Resources, Information Systems, Purchasing, and Research.

The Government and Community Relations Unit and Media Relations Unit provide support services for the entire Office.

Our ability to work together, both within and between teams, as well as partner with other members of the law enforcement community are essential to our successfully fulfilling these goals. Each staff member plays a critical role in performing the tasks required to bring criminals to justice. We are committed to continuously improve our services to provide Orange County residents and visitors the protection, sense of security, and safety they deserve.

TEAMWORK AND DEVELOPMENT

To attain our goals and overcome challenges, the Office relies on a strong team of legal, investigative, and administrative staff. Teamwork is integral to the success of the Office. Staff contributions are critical to the Office's ability to adequately serve the public, especially in these challenging budget times.

Professional development is encouraged for staff at all levels of classification. Given the budget constraints, an emphasis will be placed on staff participation in no-cost or low cost training, including: in-house training programs, cross-training, formal County training programs.

The Office is planning on expanding these programs in 2004. Additionally, a number of staff participated in County training programs, including Enlightened Leadership and the Leadership Excellence and Development Program (LEAD).

Independent Assessment Study

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Workload increases impact the entire Office. Between FY2001/02 and FY2002/03, misdemeanor and felony case filings have increased. The most complex of these, felony case filings, have increased 9% (over 1,000 cases) in this one-year period. The filing of a felony case results from the culmination of a team effort by the prosecutor, investigator, and support staff.

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In spite of increased case filings and rising staffing costs, the Office reduced the FY 2003-04 Budget from the FY2002-03 actual expense level. In FY2002-03 actual expenses were \$76,946,953 while the Office began FY2003-04 with a budget totaling \$76,305,464.

Fiscal Year 2002/03 Efficiency Study

During the FY 2002/03 Budget Hearings, the Board of Supervisors requested an Efficiency/Effectiveness Study of the Office be directed by the County's Criminal Justice Coordinating Council. The findings of this study reaffirmed the Office's staffing levels and identified the need for the County to allocate sufficient resources to continue to effectively prosecute crime in the County.

Comparisons to Other Counties

A key measure of efficiency is comparing the Office with other district attorney offices in California, specifically those with populations between 1 million and 3 million. The California District Attorney Association compiles an annual survey detailing budget and salary data from district attorney offices around the state.

One key efficiency comparison is the number of cases filed per budgeted attorney position. The number of "Line attorneys" (those primarily engaged in prosecution) and the number of "Annual Filings" are used in this comparison. Our Office manages one of the highest caseloads per attorney, second only to Alameda. With regard to attorney workload, it is noteworthy that Alameda's prosecution staff includes additional "management attorneys" which number in excess of 35% of the number of "line attorneys", while our Office's "management attorneys" number only 10% of total "line attorneys."

The size of the operating budget as a ratio to population is another efficiency measure. On a per capita basis, our Office budget is smaller than all other similar sized counties with the exception of San Bernardino.

Finally, our Office is the most reliant of all comparison counties on Proposition 172 sales tax revenue. Relying on sales tax revenues results in even more challenges since these revenues are budgeted based on forecasts and subject to fluctuation. In fact, the Office successfully managed, through budget reductions and use of prior year reserves, Proposition 172 sales tax shortfalls totaling \$8.7 million over the last two fiscal years.

When all of these comparison factors are combined, it is clear that our Office is extremely efficient.

A side-by-side comparison with the county most similar to Orange County, San Diego County, yields perhaps the most telling measures of efficiency, especially when comparing key measures of efficiency such as budget and workload. Orange County's efficiency is clearly demonstrated in Table 1.

Table 1: Budget & Staffing Summary

County	Total Budget (M)	NCC (M)	% Funded by Prop 172	Attorneys	Total Filings	Budget/ Population	Filings/ Attorney
Orange	\$77.8	\$16.9	60%	228	68,044	\$26.47	298
San Diego	\$91.0	\$32.5	44%	307	44,444	\$32.38	145

Source: 2003 California District Attorneys Association Salary Survey

SPACE

The majority of staff are located in the Main Office at 401 Civic Center, Santa Ana. The Juvenile staff are located in the Lamoreaux Justice Center. Misdemeanor Operations, and Felony Filing DDAs along with small contingents from Felony Panel and Domestic Violence are located in the five justice centers (North, West, Central, Harbor-Newport Beach, and Harbor-Laguna Niguel, formerly South).

Additional investigative and support staff are stationed in Social Services facilities throughout the County and the Child Support Services building. The Social Services Agency and the Department of Child Support Services rely on our Office to provide the investigative services related to various types of welfare fraud and child support.

While the Harbor-Laguna Niguel Justice Center space challenge continues to be a problem, space at the North Justice Center is another growing concern. Both spaces are in extremely poor condition and are too small to accommodate required staff to support respective court operations.

■ **STRATEGIES TO ACCOMPLISH GOALS**

The Office's Goals for 2004 are interdependent and the strategies to accomplish these goals overlap significantly. Overall the strategies to achieve both goals fall into four main categories:

1. PROSECUTE CRIMINAL VIOLATIONS IN A VIGOROUS, EFFICIENT, JUST AND ETHICAL MANNER.
2. ENHANCE PUBLIC SAFETY BY PROACTIVELY AND COLLABORATIVELY INVESTIGATING AND DETERRING CRIMINAL ACTIVITY.
3. MAXIMIZE RESOURCES BY PARTNERING WITH OTHER AGENCIES AND SUPPORTING OUTREACH EFFORTS TO EDUCATE UNDERSERVED COMMUNITY ON CRIMINAL JUSTICE SYSTEM.
4. SUPPORT AND MAINTAIN A WORK ENVIRONMENT THAT ENCOURAGES EXCELLENCE.

The service plans to support these strategies are detailed below:

1. PROSECUTE CRIMINAL VIOLATIONS IN A VIGOROUS, EFFICIENT, JUST AND ETHICAL MANNER.

SERVICE PLANS:

- Maintain staffing levels to adequately prosecute crime
 - Continue to evaluate filing procedures for consistency and to ensure maximum charges are filed
 - Continue training law enforcement personnel to improve quality of cases presented
 - Connect DA Case Management System with Court Vision System to automate the 500,000+ annual transactions performed by District Attorney and Court to manage case processing.
 - Implement Proposition 36-related filing, prosecution and violation follow up
 - Continue to enhance trial skills by training attorneys and investigators in effective techniques
 - Implement the annual purging of intelligence files and continuously update all databases
2. ENHANCE PUBLIC SAFETY BY PROACTIVELY AND COLLABORATIVELY INVESTIGATING AND DETERRING CRIMINAL ACTIVITY OCCURRING IN ORANGE COUNTY.

SERVICE PLANS:

- Continue Due Diligence Program to solve open homicide cases and bring murderers to justice.
 - Continue partnerships with the Probation Department and Sheriff's Department to combat crimes committed by youths on, near, or impacting school campuses.
 - Continue collaborative work with Probation on the Juvenile Sexual Offender Program.
 - Continue active participation in the multi-agency narcotics enforcement efforts.
 - Continue to make best efforts to effectively implement Proposition 36.
 - As funding allows, bolster the High Tech Task Force to include additional applied technology-based crimes and continue to increase its caseload.
 - Continue support of the TrackRS (Task Force Review Aimed at Catching Killers, Rapists, and Sex Offenders) program, particularly the expanded use of the SciLas (Samples Collected Indexed Location, Activity And Status) DNA database.
 - Continue to evaluate the various welfare fraud investigation programs to enhance communication with Social Services Agency personnel.
 - Continue the collaboration of Environmental Unit personnel with several major law firms in regards to extensive environmental cases.
3. EDUCATE PUBLIC THROUGH COMMUNITY OUTREACH EFFORTS BY PARTICIPATING IN COMMUNITY CULTURAL EVENTS, WORKSHOPS, AND DISSEMINATING BILINGUAL RESOURCE AND EDUCATIONAL MATERIALS.

SERVICE PLANS:

- Continue to collaborate with law enforcement agencies, non-profit organizations, local businesses, faith communities, educational organizations and other agencies to implement outreach efforts.
- Continue to facilitate Hispanic and Vietnamese Advisory Commissions.
- Develop and disseminate bilingual resource materials
- Expand the media awareness campaign to produce additional public service announcements in Spanish and Vietnamese on topics of concern to these communities identified through data gathered from surveys, focus groups, and input from the Advisory Commissions.
- Continue to conduct criminal justice workshops and town hall meetings and to staff outreach booths at local cultural events.

4. SUPPORT AND MAINTAIN A WORK ENVIRONMENT THAT ENCOURAGES EXCELLENCE.

SERVICE PLANS:

- Continue to encourage managers to participate in County's Enlightened Leadership and Leadership Excellence and Development Programs.
- Encourage all staff to participate in the variety of in-house training offered to attorneys, investigative, and administrative staff.
- Maintain Adequate Staffing Levels.
- Continue to evaluate filing procedures for consistency and to ensure maximum charges are filed.
- Continue training law enforcement personnel to improve quality of cases presented.
- Continue to enhance trial skills by training attorneys and investigators in effective techniques.
- Continue to encourage staff to participate in Office and County hosted training programs.
- Encourage the application of computer skills in the work environment to enhance efficiency and effectiveness.
- Continue support of Integrated Law & Justice System.
- Encourage staff and supervisors to effectively use performance planning to strategically direct staff toward activities in support of the Office's goals.
- **TRAINING AND DEVELOPMENT:**

Although the Office suspended the County's Educational and Professional Reimbursement Program in 2002, efforts to support no cost or essential training continue.

LEGAL: Emphasis for attorney training is on Mandatory Continuing Legal Education (MCLE).

INVESTIGATIVE: The majority of Investigators training is funded through Peace Officers Standards and Training (POST) program. As funding is available Office will endeavor to support other applicable training programs specific to unit assignment.

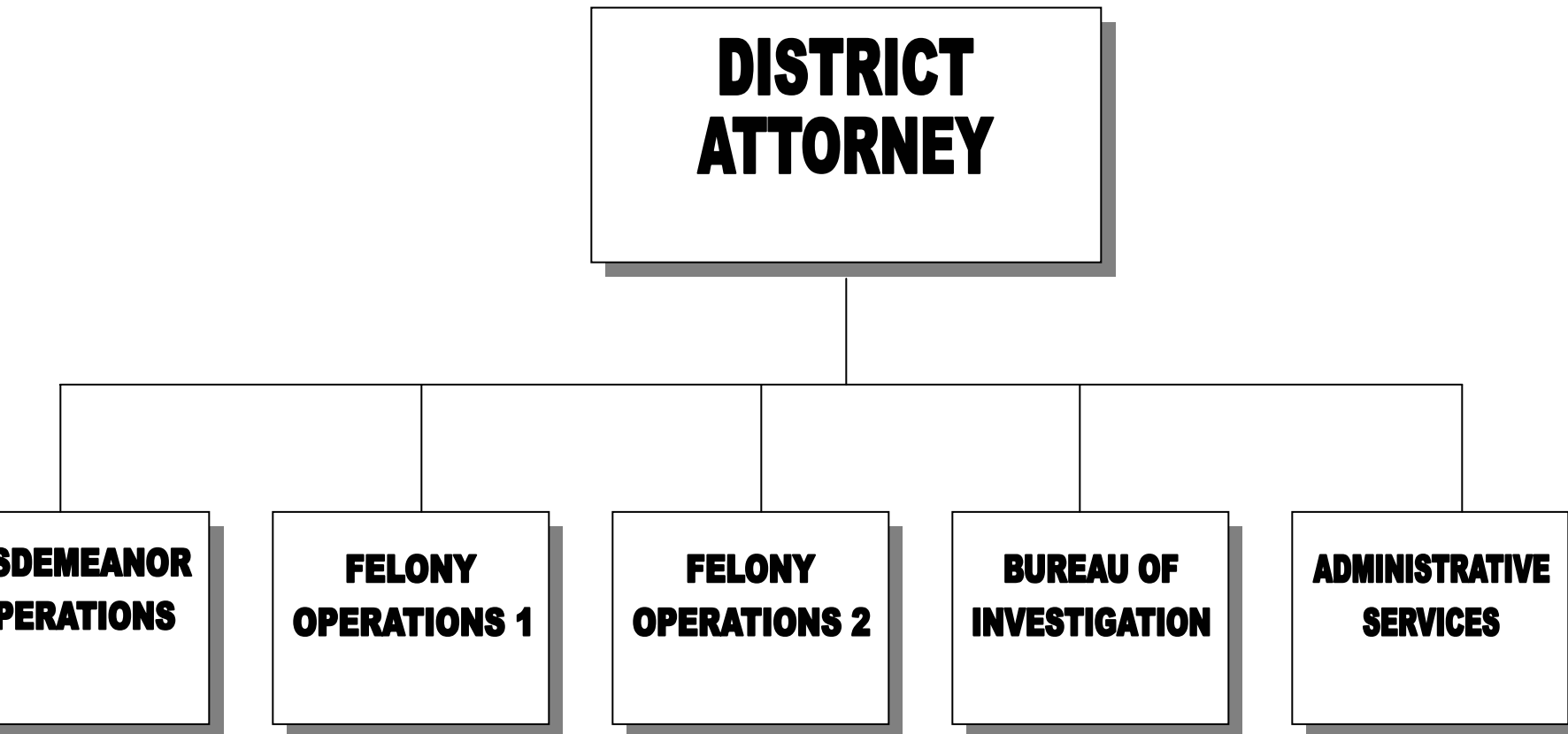
ADMINISTRATIVE STAFF: The primary emphasis will be on Case Management System and related Integrated Law & Justice System training; however, as time allows, staff are encouraged to build on in-house training modules to bolster teamwork and professional development that serves to enhance the ability of the Office to attain its goals and fulfill its mission.

■ **OUTCOME MEASURES**

1. PROSECUTE CRIMINAL VIOLATIONS IN A VIGOROUS, EFFICIENT, JUST AND ETHICAL MANNER.
 - Average number of days between case filing and disposition.
 - Responses to surveys of samples of Orange County residents, case witnesses and crime victims regarding the professionalism and efficiency of Office personnel.
2. ENHANCE PUBLIC SAFETY BY PROACTIVELY AND COLLABORATIVELY INVESTIGATING AND DETERRING CRIMINAL ACTIVITY OCCURRING IN ORANGE COUNTY.
 - The number of cases filed by multi-agency programs, particularly TARGET and the Welfare Fraud Unit.
3. EDUCATE PUBLIC THROUGH COMMUNITY OUTREACH EFFORTS BY PARTICIPATING IN COMMUNITY CULTURAL EVENTS, WORKSHOPS, AND DISSEMINATING BILINGUAL RESOURCE AND EDUCATIONAL MATERIALS.
 - Identify number and type of partnerships.
 - Identify number and type of outreach events.
 - Measure participation at outreach events.
 - Measure effectiveness of workshops through having participants test prior to and after completion of workshop.
 - Numbers of outreach activities and attendance.
4. SUPPORT AND MAINTAIN A WORK ENVIRONMENT THAT ENCOURAGES EXCELLENCE.
 - Implementation of County Employee Recognition Programs.
 - Number of staff participating in training programs.
 - Number and type of training programs offered to staff.

APPENDIX A

2004 OFFICE OF THE DISTRICT ATTORNEY ORGANIZATION CHART



APPENDIX B

O.C.E.A. LABOR MANAGEMENT COMMITTEE

Members:

Emile Aguirre	Attorney Clerk I
*John Anderson	Assistant District Attorney
Dena Basham	Attorney Clerk II
Mary Bernsen	Paralegal
Dawn Blair	Attorney Clerk II
*Naomi Brown	Administrative Support Services Manager
*Steve Chaffee	Facilities Manager
Linda Darrah	Office Specialist
Bob Jones	Assistant District Attorney
*Claudette LeBlue	Assistant Manager, Human Resources
Kathy Little	Attorney Clerk II
Raymundo Mejia	Technical Systems Specialist
Elena Santa Cruz	Law Office Supervisor
*John Santy	Investigative Commander

*Management

Team Leaders:

Kim Vega	Staff Specialist
Judy Plasencia	Office Specialist

Sponsor:

Lisa Bohan-Johnston	Director, Administrative Services
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Facilitator:

Loretta van der Pol	OCEA Representative
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2003 Achievements:

In 2003, the LMC coordinated the collection of cost saving and revenue generation ideas. The implementation of these ideas resulted in savings and improved efficiency of Office operations. Among other contributions, the LMC created newsletters, coordinated two Employee Recognition Award programs, oversaw the Office's Workplace Issues Committee, and assisted with the Office's 2003 United Way Fundraisers.

APPENDIX C

PAST YEAR ACCOMPLISHMENTS

1. PROSECUTE CRIMINAL VIOLATIONS OF STATE LAW OCCURRING IN ORANGE COUNTY IN A VIGOROUS, EFFICIENT, JUST & ETHICAL MANNER.

- Achieved an overall conviction rate of approximately 90%.
- The Homicide Unit went to trial on 125 defendants and returned convictions on all but one.
- California Supreme Court Case: In re Robert L. (2003) 30 Cal4th 894, our office successfully convinced the court that the penalty enhancing provision of the criminal street gang statute (P.C. ' 186.22(d)), applies to all crimes, including misdemeanors. This case provides all California law enforcement a valuable tool in curtailing gang crime.
- California State Court of Appeals: Approximately 20 cases have litigated. These include appeals of enormous trial court rulings and successful defense of the People's interests in opposition to writs of prohibition, mandate, and habeas corpus.
 - One example is People v. Hillhouse (2003) 109 Cal.App. 4th 1612 ~ Successfully ensured that no loophole existed that would permit a child molester who attacked a mentally disabled child to be punished less severely than one who attacked a mentally disabled adult.
- Orange County Superior Court: The Law & Motion Unit handled approximately 700 pre-trial motions in felony cases and over 100 misdemeanor writs and appeals in the Appellate Division of the Superior Court.
- Child Abduction team instrumental in the locating and return of children in 64 cases.
- Ten cases were referred to the Grand Jury and indictments were obtained.

- Prepared for implementation of Case Management System for October 2003. This will serve as the hub for the County of Orange's Integrated Law & Justice system.
- The TARGET (Tri-Agency Resource Gang Enforcement Teams) /Gang Unit
- Proactively combat crime, particularly violent crime:
 - Implemented Due Diligence Program
 - Continued implementing a Virtual Private Network for web access to the TRackRS database by appropriate law enforcement personnel to solve open homicide and sexual assault cases.
 - Continued SABRE Project (Sexual Assault Backlog Reduction Effort) to collect and analyze sexual assault biological evidence.
 - Continued grant funded collaboration with Probation on the grant funded Juvenile Sexual Offender Program.
 - Continue grant funded collaboration with Probation and Sheriff on SMART (School Mobile Resource Team) targeted at preventing and addressing school violence, and Truancy Response programs.
 - Received additional funding to continue to "Prevent Laundering from Underwriting Gangs (PLUG) Program" has directly investigated cases resulting in over \$1,000,000 in seizure of laundered funds and has several other cases under investigation. PLUG is the first grant-funded, gang-related money laundering program in the country.

2. ATTRACT AND MAINTAIN A STABLE, PRODUCTIVE, COMPETENT WORKFORCE.

- Supervisors and Managers attended Enlightened Leadership Courses.
- The Labor Management Committee coordinated two Employee Recognition Programs in 2003. These programs recognize stellar individual achievement and teamwork initiatives benefiting the Office or County.
- Continued to emphasize training to attorneys. Developed and implemented a series of attorney training programs conducted by in-house attorney managers.

- Created and implemented an Office Services newsletter, "Know the Facts," to provide valuable resource information and motivational ideas pertinent to careers in the Office.
- Completed draft of new attorney policies and procedure manuals.

3. CONTINUOUSLY IMPROVE THE RESPONSIVENESS OF THE OFFICE.

- In May 2003 Office partnered with several agencies to establish the Elder Abuse Forensic Center. This Center changes the way elder abuse cases are prosecuted through an unprecedented collaborative process.
- The Orange County District Attorney's Office produced a training booklet for police officers responding to crime scenes. Entitled, "The Officer's Quick Field Reference Guide for Domestic Violence and Stalking," it is essential information for police officers in handling these delicate cases.
- The Law & Motion Unit provided continuing legal education training to lawyers, paralegals, investigators and outside police and probation personnel.
- The Government and Community Relations Unit continued to facilitate the ongoing work of the Vietnamese and Hispanic Advisory Commissions in 2003.
- Office Internet site was expanded to include updates on high-profile cases.
- Recruited over 60 volunteers to assist with community outreach activities.
- Established new and strengthened existing collaborative partnerships with many public and private organizations, including local police departments, the Probation Department, Public Defender's Office, University of California, Irvine, Santa Ana College, victim assistance organizations, elementary schools, community centers and church groups.
- Participated in over 15 community events in FY 2002-2003 including the Vietnamese Tet Festival, Cinco de Mayo, and Fiestas De Los Muertos Festivals.

- Expanded radio and television media campaign to produce additional public service announcements on crime prevention issues.
- Created bilingual resource materials in Spanish, English, and Vietnamese providing information on Home Invasion Robbery and Consumer Fraud, and Identity Theft.
- Provided 23 criminal justice workshops to over 800 students in English as a Second Language (ESL) classes throughout Orange County.
- Hosted a week-long summer youth education program to educate high school students about the criminal justice system.
- Organized educational town hall meetings in both the Hispanic and Vietnamese communities to provide insight into the criminal justice system.
- Obtained renewal funding for the anti-money laundering program PLUG (Prevent Laundering from Underwriting Gangs) and for four vertical prosecution programs combating Statutory Rape, Child Abuse, Major Narcotics and Career Criminals.
- Implemented a new and innovative public private partnership, the Trial Advocacy Program (TAP) as a cost effective approach to respond to the large volume of misdemeanor cases.
- Utilized eight volunteer private attorneys in the TAP Program. Collectively, they contributed 64 weeks and \$160,000 hours of service to the County.
- The Office web site was expanded increasing information to the public and media. List status of high-profile cases, provide explanations of the workings of the criminal justice system, outline the responsibilities of witnesses, and provide resources for victims.
- Realigned the organizational structure of the Bureau of Investigation to be more efficient and effective.
- Successfully transitioned the Family Support Division. The investigative arm has remained intact in both FSD and Welfare Fraud (SSA) in order to continue to provide child support and Welfare Fraud enforcement services.
- Continued to implement Orange Outreach, a ten week crime prevention program for fifth grade students taught by Deputy District Attorneys who volunteer during their lunch hours.

- Continued to provide training bulletins and presentations to local law enforcement including First Responders Domestic Violence Training.
- A survey was sent to persons in criminal justice agencies who have had fairly frequent contact with the Office, asking them about the professionalism and responsiveness of Office personnel. The baseline sample surveyed at the end of 2000 gave high positive ratings on these items. A more extensive survey is being conducted at the end of 2001.
- Attorney staff served on the Volunteer Center Advisory Board, Homeless Court Steering Committee, and Collaborative Courts Advisory Committee.
- The Internal Audit Department facilitated two self-assessment workshops to identify office strengths and weaknesses and to recommend possible resolutions. Representatives of all Office Services units participated.
- Created and implemented procedures to respond to the court's decentralization of transportation orders in bringing incarcerated defendants and witnesses to court on pending cases.
- Conducted first annual Branch Courts Award Program to recognize outstanding achievement by police and community members in promoting a safer community.

APPENDIX D

2004 WORKFORCE PLANNING REPORT

The Office of the District Attorney's ("The Office") employees are its most important asset. The Office strives to maintain an environment that promotes employee innovation, creativity, independence, quality, and exceptional client service.

As part of the FY2003/04 budget process, the Office of the District Attorney ("The Office") imposed a freeze on 12 prosecutor positions and 14 investigator positions. The balance between budget management and adequate prosecution is a challenging one. The Office is approaching a breaking point where the cumulative impact of reduced staffing levels may begin to impact the ability to adequately prosecute and investigate crimes.

If cases are not adequately prosecuted and investigated, police agency arrests may become meaningless and criminals may not be brought to justice.

The District Attorney is mandated with prosecuting crime. To address the staffing challenge, the Office implemented a number of minor reorganizations within the legal, investigative, and administrative divisions. We will continue to restructure our organization and workflow to achieve efficiencies. However, if our ability to effectively prosecute crimes is compromised, either by having an unmanageably high number of cases or influx of more complex cases, we will unfreeze positions and, if required, request additional funding from the Board of Supervisors.

Funding

The Office receives funding from a variety of sources. Core functions are funded by sales tax revenue (Proposition 172), county general fund, and grant funds. In addition to these revenue sources, three county agencies contract with the Office for specific law enforcement services, including the Warrant Bureau. The Social Services Agency contracts on an annual basis to staff a Welfare Fraud Unit to prevent, detect, investigate, and prosecute welfare fraud. The Department of Child Support Services annually contracts with the Office for services related to locating and serving subpoenas to non-custodial parents who do not comply with support orders. Housing and Community Development contracts with the Office to identify and investigate individuals suspected of Section 8 Housing Fraud.

The budget issues facing these other agencies can have a direct impact on Office staff. To date, the Office has successfully downsized operations to align services with the contracting agency's funding, with the provision that officer safety is not jeopardized. As a result of sufficient notice, these changes have been implemented without requiring layoffs.

Our primary strategy continues to be the delivery of core services to ensure crime is prosecuted and the public is protected. Management and line-staff alike constantly face challenges to balance caseload demands with available funding and resources. Our Labor Management Committee (LMC) serves as a valuable resource in identifying improved work methods, areas in which funding can be reallocated to higher priority services, and organization changes that will enable employees to perform more effectively and efficiently.

Training and Development

Employee development will again play a key role in increasing efficiency. We will support our supervisors and managers taking Performance Improvement Plan training to improve their use of this important tool. Training and Career Development will continue to provide supervisory and management training that stresses leadership and empowering employees. We will focus on cross training to more effectively address our ability to perform core services. With the implementation of the Office's Case Management System, staff will be trained to utilize the system to its maximum efficiency. We will focus our staff development on internal development, POST reimbursement for sworn personnel and county training programs.

The expansion of the Case Management System (CMS) will change office services staff business processes, particularly in the branch courts. The two CMS modules include: the automation of over 500,000 annual transactions between the Office and the Superior Court, and automation of notifications to civilian witnesses regarding trial dates and locations. The Court automation project will reduce the staff time to duplicate the entry of case activity by both the Courts and the Office. The impact on staffing of these automation projects is still under review.

Recruitment

In addition to filling essential positions as needed, the Office is undergoing a major recruitment for an Information Technology Manager. The information Technology Manager is absolutely essential to conduct core business activities and the Office's ability to share information with our law and justice partners. The Office has and will continue to work collaboratively with CEO/IT to identify an appropriate candidate.